



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,556	04/06/1999	OLAF VANCURA	1999/2	6442

23381 7590 06/05/2003

DORR CARSON SLOAN & BIRNEY, PC
3010 EAST 6TH AVENUE
DENVER, CO 80206

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 06/05/2003

#8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/287,556

Applicant(s)

VANCURA ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-15, 17-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:


SAM RIMELL
PRIMARY EXAMINER

Art Unit: 2175

Claims 1-5, 8-15 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: The phrases "the determination of the reward" and "the total wagers" lack antecedent basis.

Claim 13: The phrases "the determination of the reward" and "the proportion of the fraction of total wagers" lacks antecedent basis.

Claim 17: The phrases determining the reward" and "the proportion of the fraction of total wagers" lack antecedent basis.

Claim 18: The phrases "the determining of the reward" and "the proportion of the fraction of total wagers" lacks antecedent basis.

Claims 19-20: These claims contain duplicate limitations as those recited in the current version of claim 18.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-15 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Huard et al. (U.S. Patent 5,743,800).

Claim 1: Huard et al. discloses a community event, which is an auxiliary jackpot reward triggered by the draw a particular set of cards during a primary casino game. Players wager on

Art Unit: 2175

the jackpot reward (community event) and the dealing of a particular set of cards to a player (chance event) which occurs during the primary casino game (game of chance) triggers the payout of the jackpot reward. The jackpot reward is a prize pool created by individual wagers by players. The reward to the player(s) who win the jackpot reward is a percentage of the total amount collected from the players (col. 3, lines 10-12). In addition, since players will always win a percentage of their own contribution to the jackpot, the jackpot award can be proportional to individual player's contribution to that jackpot.

Claim 2: The community event (jackpot) is selected and established before the wagering is made on the jackpot itself.

Claim 3: The chance event is the dealing of a particular set of cards to a player.

Claim 4: Accepting individual wagers from players adds individual portions to the prize pool in the jack pot.

Claim 5: The prize pool in the jackpot increases during the wagering on the prize pool, and before the jackpot reward is paid out. The time period before the jackpot reward is paid out is when the "community event does not occur".

Claim 8-10: The community event (jackpot award) requires the play of a game of chance (the primary casino game). That game of chance may be baccarat (col. 7, line 58). Any arrangement draw of cards by the player, including those in which a player matches happens to tie a banker, could trigger the jackpot.

Claim 11: The community event (jackpot award) requires the play of a game of chance (the primary casino game). The primary casino game may be blackjack.

Art Unit: 2175

Claim 12: In the context of a casino, playing the community event (jackpot reward) at more than one gaming table constitutes the creation of more than one community event. The invention is intended to be played at a casino (col. 5, line 2) having multiple card tables. Thus, there is inherently multiple community events taking place.

Claim 13: See remarks for claim 1.

Claim 14: See remarks for claim 3.

Claim 15: In addition to dealing particular cards to players, the chance event can also be triggered by play on a roulette wheel (col. 7, line 60).

Claims 17-20: See remarks for claim 1.

Remarks

This office action contains new grounds of rejection under 35 USC 112 and is therefore made non-final.

Applicant's arguments in general pertain to a position that the reference to Huard et al. does not disclose the feature of providing a payout that is proportional to an individual bet. In other words, those who bet more win more, and those who bet less, win less. Examiner maintains that this feature is taught by Huard et al.

In the case of Huard et al. the player who wins the jackpot will receive a certain percentage of the total jackpot amount (col. 3, line 11).

In such an arrangement, a player who contributes more can receive a larger payout, since they will at least receive a percentage of whatever their own contribution was to the jackpot. For example, if a player X contributes \$100 and player Y contributes \$200, the total jackpot is \$300.

Art Unit: 2175

If player Y wins the jackpot, and is awarded 50% percent of total jackpot, player Y will win \$150. Had player Y bet only \$100, player Y would have only won \$100, instead of \$150.

Thus, in the case of Huard et al., a player who bets more can win more and one who bets less can win less. The player's winnings can be proportional to that player's contribution to the jackpot.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175